



**U S Army Corps
of Engineers**
Huntington District

Public Notice

In reply refer to Public Notice No. 200400928

Issuance Date:

November 4, 2005

Stream: Unnamed Tributary of Frys Creek

Closing Date:

December 4, 2005

Please address all comments and inquiries to:

U.S. Army Corps of Engineers, Huntington District

ATTN: CELRH-OR-F Public Notice No. (*reference above*)

502 Eighth Street

Huntington, West Virginia 25701-2070

Phone: (304) 399-5210

PUBLIC NOTICE: The purpose of this public notice is to inform you of a proposal for work in which you might be interested. It is also to solicit your comments and information to better enable us to make a reasonable decision on factors affecting the public interest. We hope you will participate in this process.

REGULATORY PROGRAM: Since its early history, the U.S. Army Corps of Engineers (Corps) has played an important role in the development of the nation's water resources. Originally, this involved construction of harbor fortifications and coastal defenses. Later duties included the improvement of waterways to provide avenues of commerce. An important part of our mission today is the protection of the nation's waterways through the administration of the Corps Regulatory Program.

SECTION 404: The Corps is directed by Congress under Section 404 of the Clean Water Act (33 USC 1344) to regulate the discharge of dredged and fill material into all waters of the United States, including wetlands. The intent of the law is to protect the nation's waters from the indiscriminate discharge of material capable of causing pollution and to restore and maintain their chemical, physical and biological integrity.

TO WHOM IT MAY CONCERN: The following application has been submitted for a Department of the Army Permit under the provisions of Section 404 of the Clean Water Act. This notice serves as the Corps of Engineers' request to the Ohio Environmental Protection Agency (OEPA) to act on Section 401 Water Quality Certification for the following application:

APPLICANT: Oxford Mining Company, Inc.
P.O. Box 427
Coshocton, Ohio 43812

LOCATION: The proposed project is located west of Township Road 24 (Oldtown Valley Road) north of CR-48 (No. 8 Hollow Road) approximately six miles south of New Philadelphia in Clay and York Townships, Tuscarawas County, Ohio, impacting streams and wetlands along unnamed tributaries of Frys Creek.

DESCRIPTION OF THE PROPOSED WORK: The proposed project includes operation of a surface coal mine (Keffer) that would recover the #5, 6, and 7 coal seams. Discharges into

jurisdictional waters are needed for mine development, including the impact of approximately 5,817 linear feet of intermittent stream channel and 1,493 linear feet of ephemeral stream channel, totaling 1.26 acres of stream channel area. Approximately 0.95 acre of jurisdictional wetland would be impacted. Streams and wetlands would be impacted by mining operations and reclamation of abandoned strip mine lands. All fill material is non-acidic, non-toxic shale, clay and sandstone. Approximately 2,175 cubic yards of fill would be placed in waters of the United States to construct embankments and mine the coal seams.

MITIGATION PLAN: The applicant has submitted a conceptual compensatory mitigation plan (CMP) to compensate for permanent impacts to waters of the United States will be done around the perimeter of the ponds. On-site mitigation is proposed with the goal to restore the functions and values of aquatic resources. Proposed compensation for temporal impacts includes creation of forested stream buffer zones.

The project does not require access to or siting within the wetlands to fulfill its basic purpose and is considered a non-water dependent activity. The Section 404(b)(1) Guidelines state that for non-water dependent activities, practicable alternatives that do not involve wetlands are presumed to be available unless clearly demonstrated otherwise. The applicant is required to provide an alternative analysis that must overcome the presumption prior to receiving authorization for the placement of fill material. The applicant has submitted the required alternative analysis and it is currently being reviewed. No permit will be issued until our review of the alternative analysis clearly shows that upland alternatives are not available to achieve the applicant's goal.

Plans of the proposed work are attached to this notice.

The applicant requested processing under individual permit procedures due to the set expiration date of Nationwide Permit Number 21.

A section 401 Water Quality Certification is required for this project. It is the applicant's responsibility to obtain the certification from the Ohio Environmental Protection Agency.

HISTORIC AND CULTURAL RESOURCES:

The National Register of Historic Places has been consulted and it has been determined that there no listed properties eligible for the register in the area affected by the project. A copy of this public notice will be furnished to the Ohio State Historic Preservation Office for their review. Comments concerning archeological sensitivity of the project area should be based upon collected data.

ENDANGERED/THREATENED SPECIES REVIEW: The project is located within the known or historic range of the following endangered species:

Indiana Bat, clubshell mussel, & bald eagle

The Huntington District has consulted the most recently available information and based on the proposed avoidance and minimization measures, the project is not likely to adversely affect the Indiana

bat and will have no effect on the clubshell mussel or bald eagle, or designated Critical Habitat for these federally listed species. This public notice serves as a request to the U.S. Fish and Wildlife Service for any additional information they may have on whether any listed or proposed to be listed endangered or threatened species may be present in the area which would be affected by the activity, pursuant to Section 7(c) of the Endangered Species Act of 1972 (as amended).

PUBLIC INTEREST REVIEW AND COMMENT: Any person who has an interest that may be adversely affected by the issuance of a permit may request a public hearing. The request must be submitted in writing to the District Engineer on or before the expiration date of this notice and must clearly set forth the interest which may be adversely affected and the manner in which the interest may be adversely affected by the activity. This application will be reviewed in accordance with 33 CFR 320-331, the Regulatory Program of the U. S. Army Corps of Engineers (USACE), and other pertinent laws, regulations, and executive orders. Our evaluation will also follow the guidelines published by the U. S. Environmental Protection Agency pursuant to Section 404(b) (1) of the CWA. Interested parties are invited to state any objections they may have to the proposed work. The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit that reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered including the cumulative effects thereof; of those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. Written statements on these factors received in this office on or before the expiration date of this public notice will become a part of the record and will be considered in the final determination. A permit will be granted unless its issuance is found to be contrary to the public interest.

SOLICITATION OF COMMENTS: The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. For accuracy and completeness of the administrative record, all data in support of or in opposition to the proposed work should be submitted in writing setting forth sufficient detail to furnish a clear understanding of the reasons for support or opposition. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

CLOSE OF COMMENT PERIOD: All comments pertaining to this Public Notice must reach this office on or before the close of the comment period listed on page one of this Public Notice. If no comments are received by that date, it will be considered that there are no objections. Comments and requests for additional information should be submitted to:

Mr. Stan Walker, Regulatory Project Manager
North Regulatory Section, CELRH-OR-FN
U. S. Army Corps of Engineers Huntington District
502 Eighth Street
Huntington, West Virginia 25701-2070.

Please note names and addresses of those who submit comments in response to this public notice may be made publicly available. Thank you for your interest in our nation's water resources. If you have any questions concerning this public notice, please contact Mr. Stan Walker of the North Regulatory Section at 304-399-5210.


Ginger Mullins, Chief
Regulatory Branch

(O)



OXFORD MINING COMPANY, INC.
KEFFER PERMIT AREA
WICINITY MAP
CLAY & YORK TOWNSHIPS
TUSCARAWAS COUNTY, OHIO

Figure 1 (23)

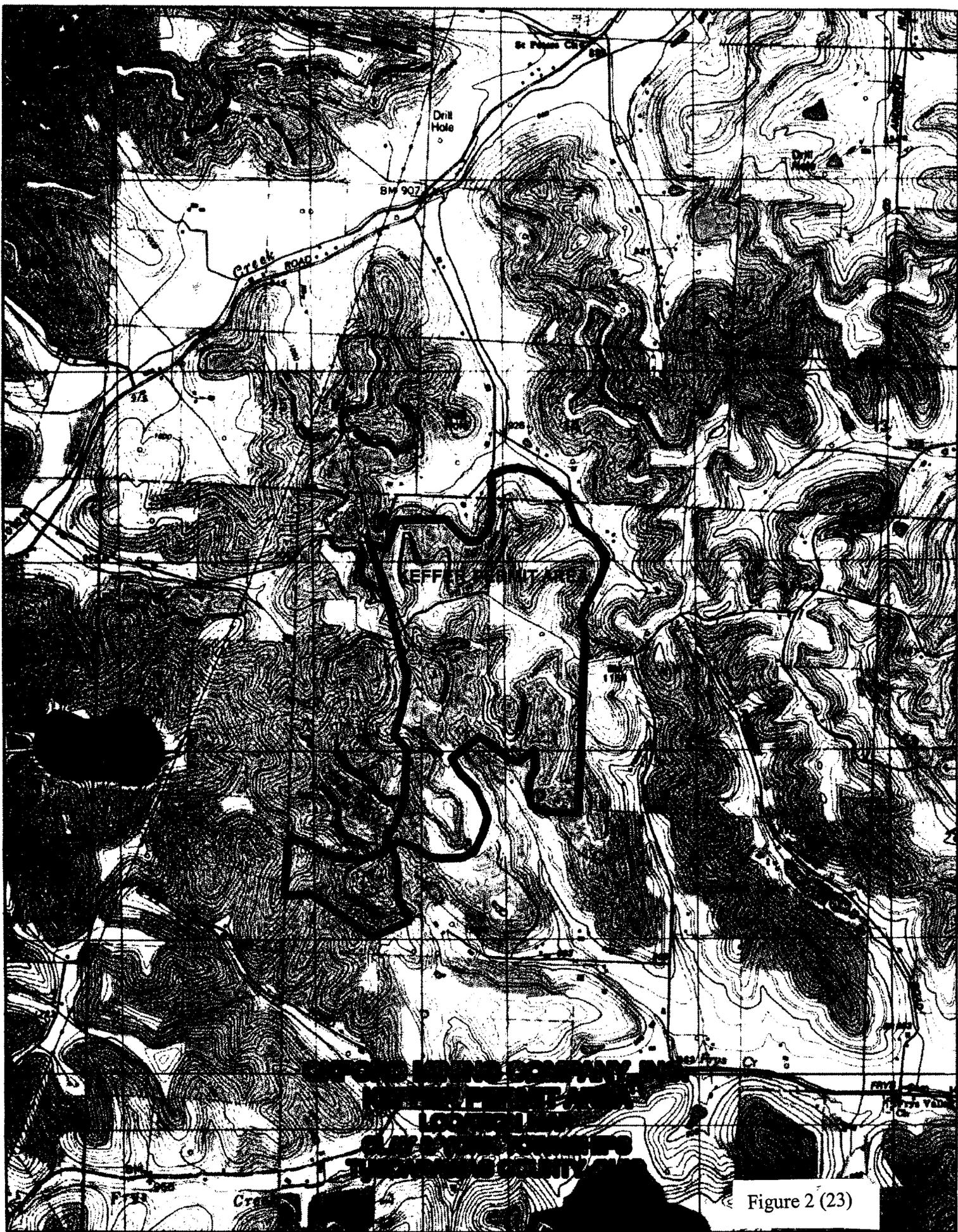
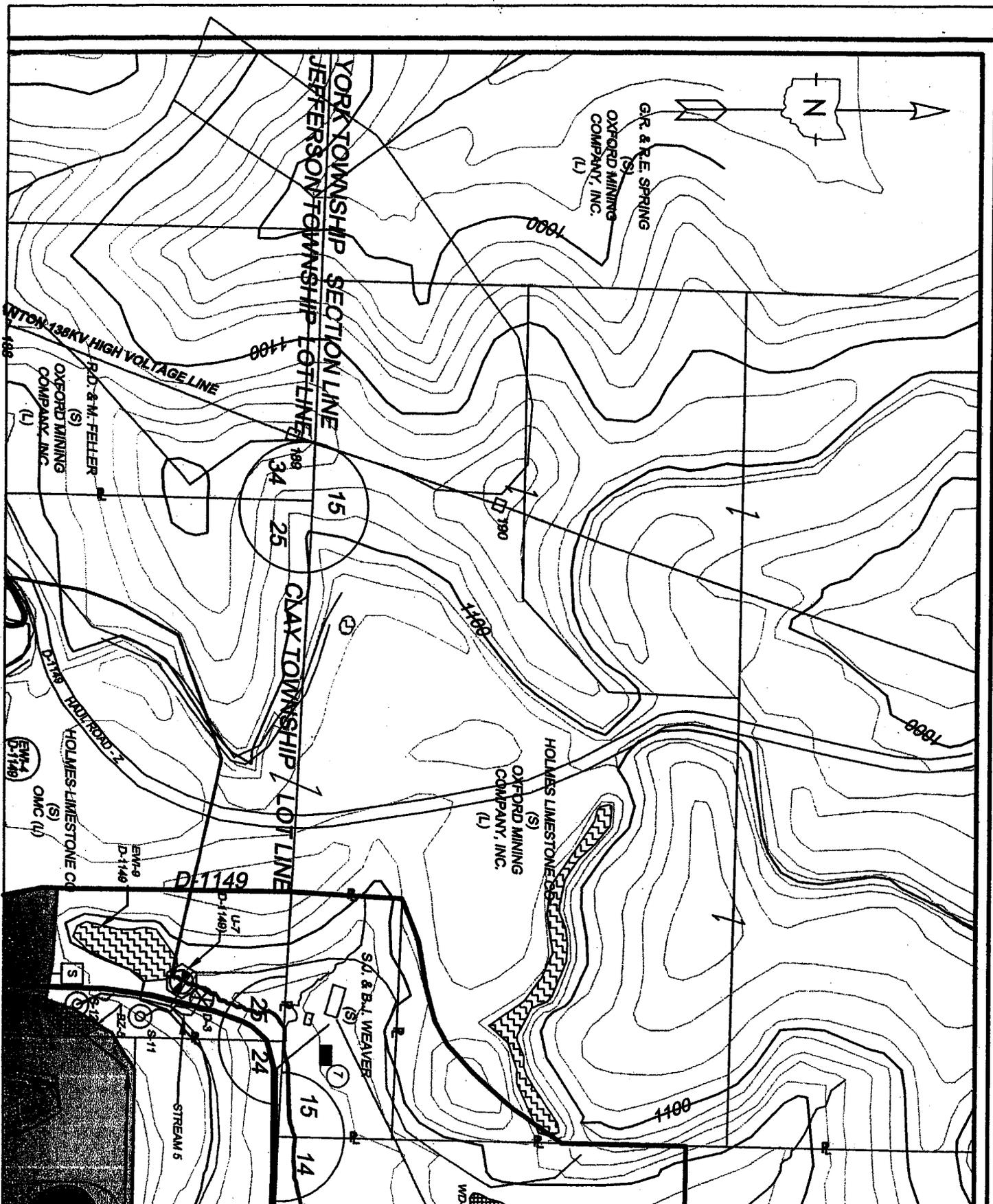


Figure 2 (23)



A	B	C	D
E	F	G	H
I	J	K	L
M	N	O	P

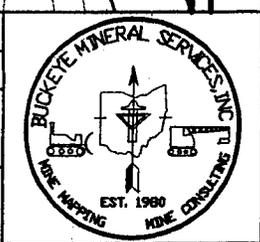
SHEET TITLE:
APPLICATION MAP

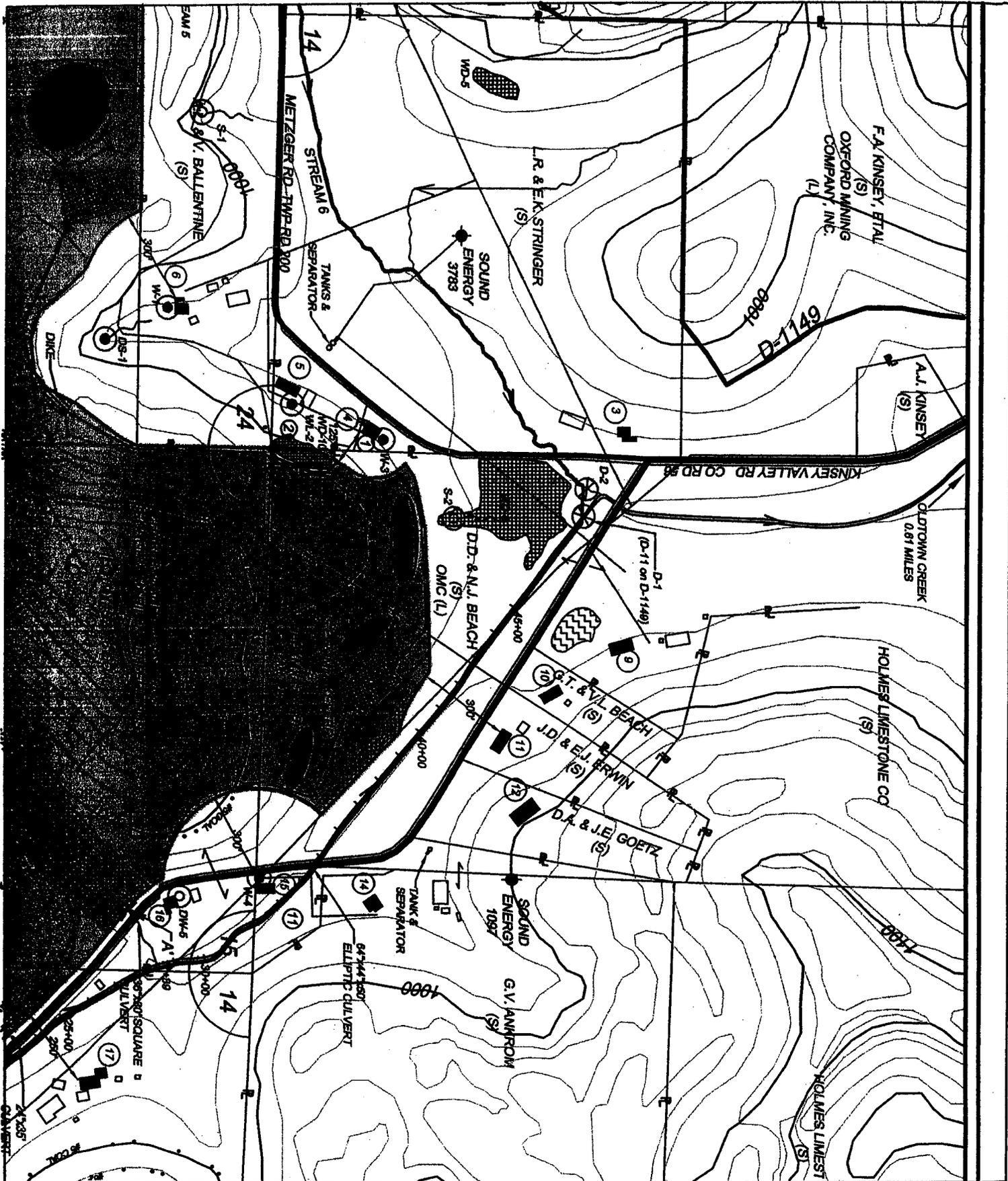
PROJECT NAME:
KEFFER

COMPANY NAME:
OXFORD MINING COMPANY, INC

Figure 3 (23)

DATE: 9/2/05
 DRAWN BY: CJW
 SCALE: 1" = 400'





M	I	E	A
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O	K	G	C
P	L	H	D

SHEET TITLE:
APPLICATION MAP

PROJECT NAME:
KEFFER

COMPANY NAME:
OXFORD MINING COMPANY, INC

Figure 4 (23)

DATE: 9/2/05
 DRAWN BY: CJW
 SCALE: 1" = 400'



FORMATION	APPROXIMATE ELEVATION
COAL SEAM	1116
COAL SEAM	1016.5 - 1022.5
COAL SEAM	979 - 995.5

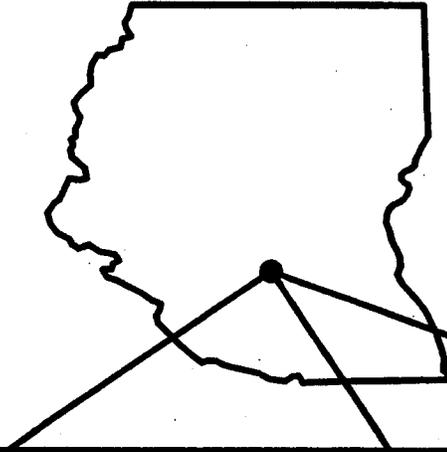
STRIKE S 84.51° E
DIP 0.16% S

#6 COAL

STRIKE N 62° W
DIP 5.6% SW

#7 COAL

Drainage Basin - TUSCARAWAS RIVER



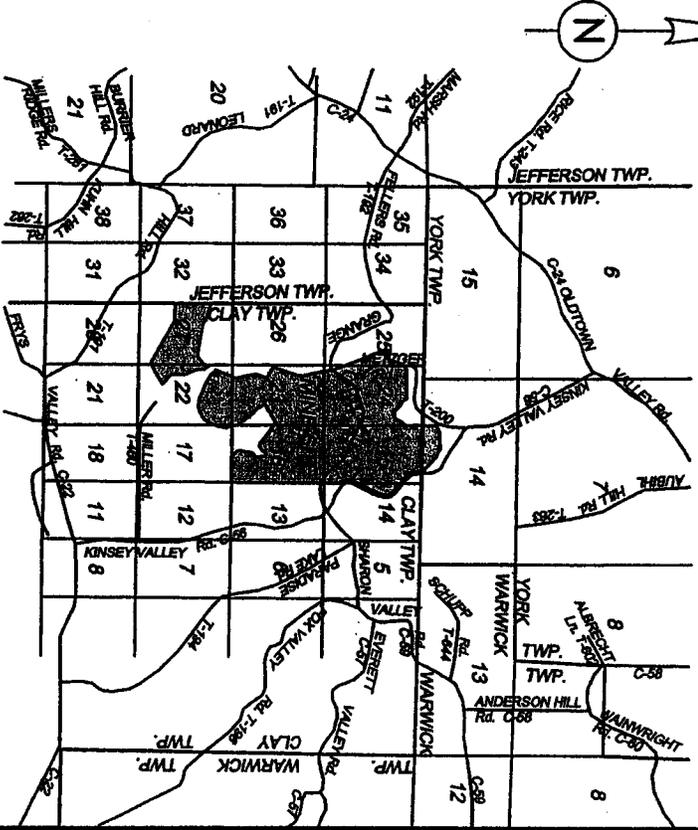
Permit Acreage Summary

Permit	Acres
Original	436.9
Total	436.9

Application Acreage Summary

Proposed for: Year 1	20.0
Year 2	104.2

LOCATION MAP



SCALE: 1" = 1 MILE
QUAD: NEW PHILADELPHIA & STONECREEK
TWP: YORK & CLAY
COUNTY: TUSCARAWAS

LEGEND

- Natural drainage
- Intermittent Stream
- Perennial Stream
- Previous Strip Mining
- Contour Line 1200
- Haul Road
- Stream Crossing
- Abandoned Underground Mine
- Underground Mine Entry
- Existing Sediment Pond
- Public Road
- Electric
- Telephone
- Diversion Ditch
- Permit Area
- Test Hole
- Topsoil Storage
- Subsoil Storage
- Alternative Resolving Material
- Underground Mine Shaft
- Entrance Sign
- Proposed Sediment Pond
- Inaccessible Public Road
- Water Treatment Facility

A	B	C
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SHEET TITLE:
APPLICATION MAP

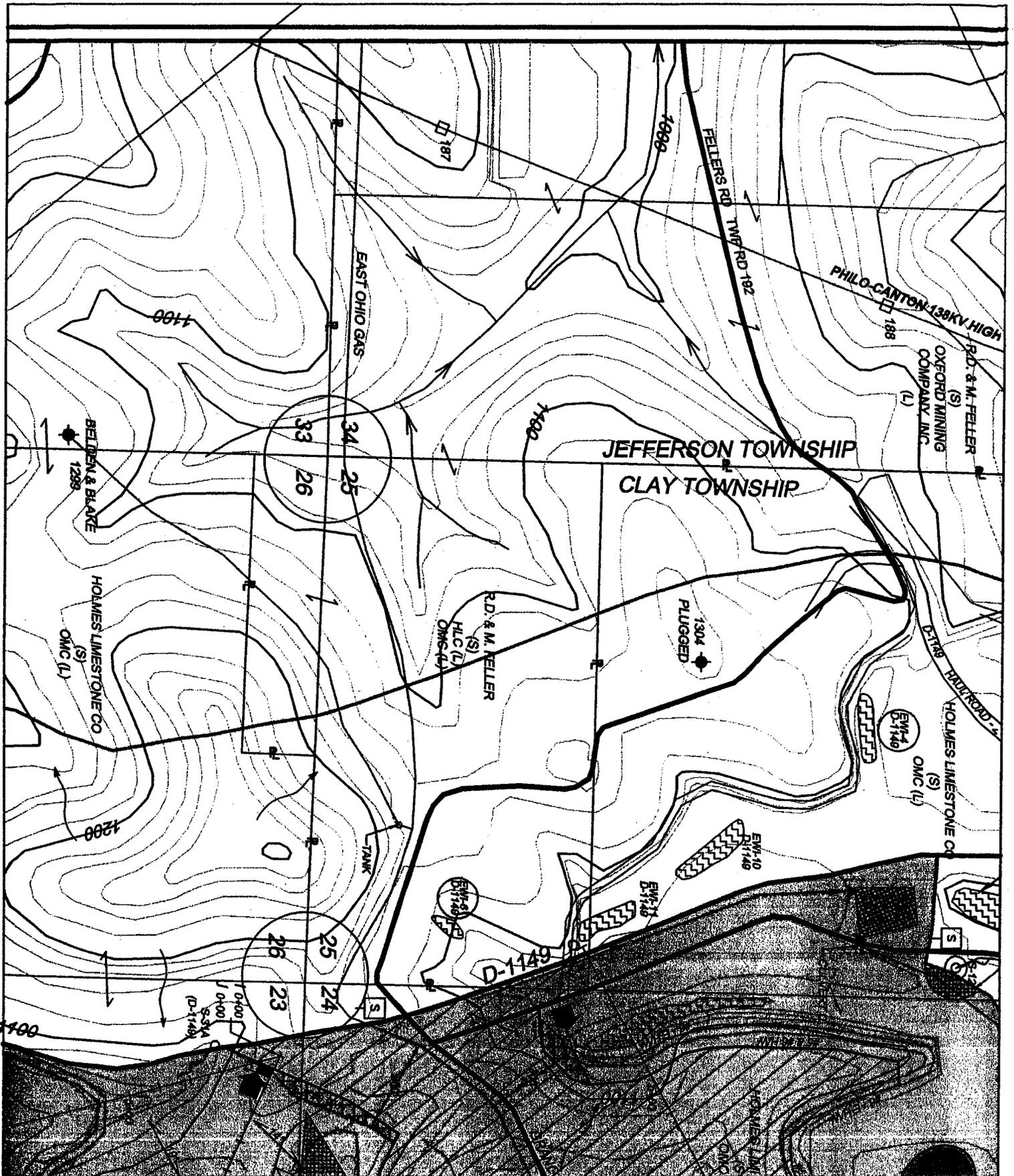
PROJECT NAME:
KEFFER

COMPANY NAME:
OXFORD MINING COMPANY, INC

Figure 6 (23)

DATE: 9/2/05
DRAWN BY: CJW
SCALE: 1" = 400'





A	1
B	2
C	3
D	4
E	5
F	6
G	7
H	8
I	9
J	10
K	11
L	12
M	13
N	14
O	15
P	16

SHEET TITLE:
APPLICATION MAP

PROJECT NAME:
KEFFER

COMPANY NAME:
OXFORD MINING COMPANY, INC

Figure 7 (23)

DATE: 9/2/05
 DRAWN BY: CJW
 SCALE: 1" = 400'





A	E	M
B	F	N
C	G	O
D	H	P

SHEET TITLE:
APPLICATION MAP

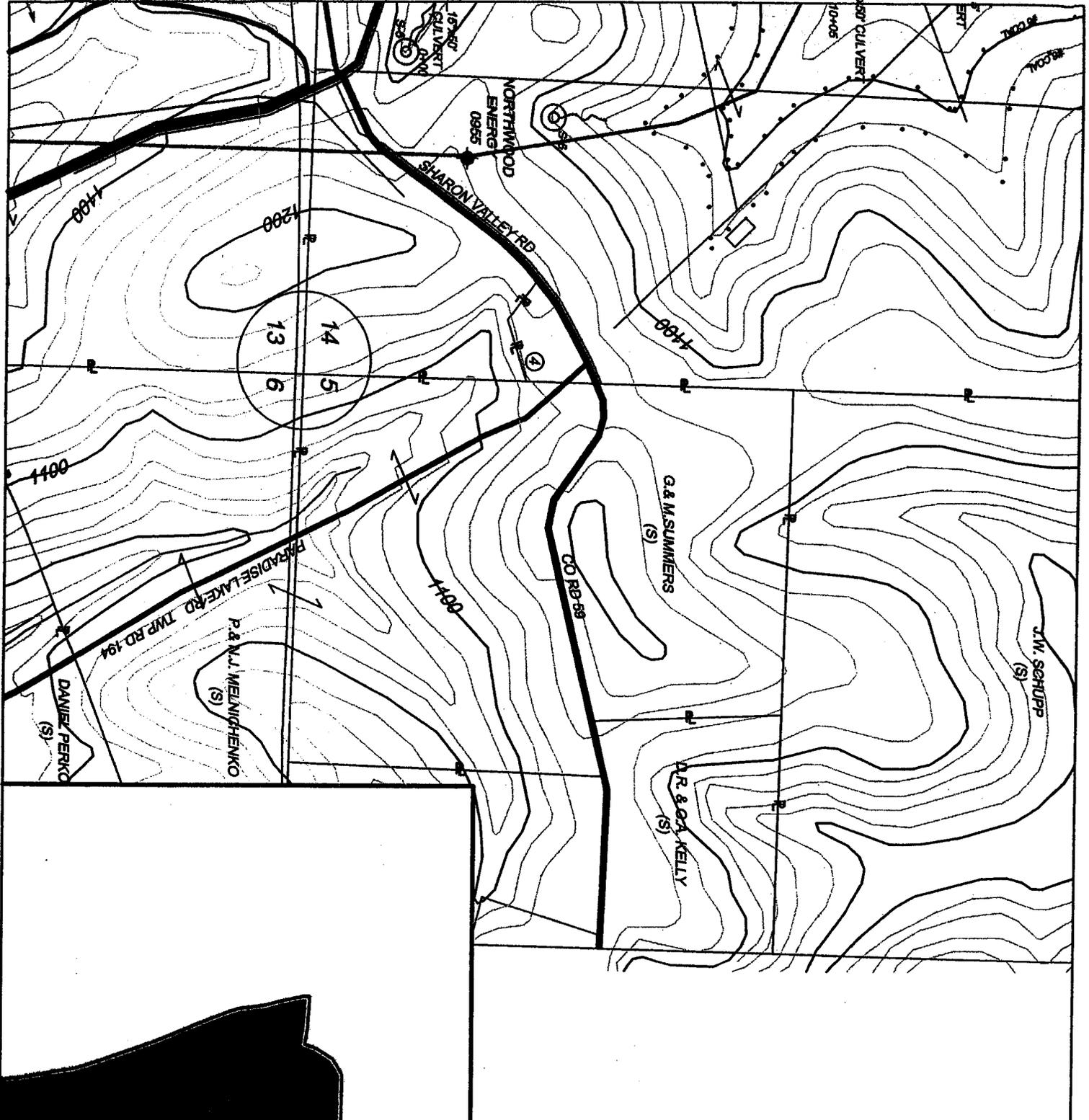
PROJECT NAME:
KEFFER

COMPANY NAME:
OXFORD MINING COMPANY, INC

Figure 8 (23)

DATE: 9/2/05
 DRAWN BY: CJW
 SCALE: 1" = 400'





Applicati	
Proposed	
Total P	
#7 Stri	
#6 Stri	
#5 Stri	
#7 Aug	
#6 Aug	
#5 Aug	
Ponds	

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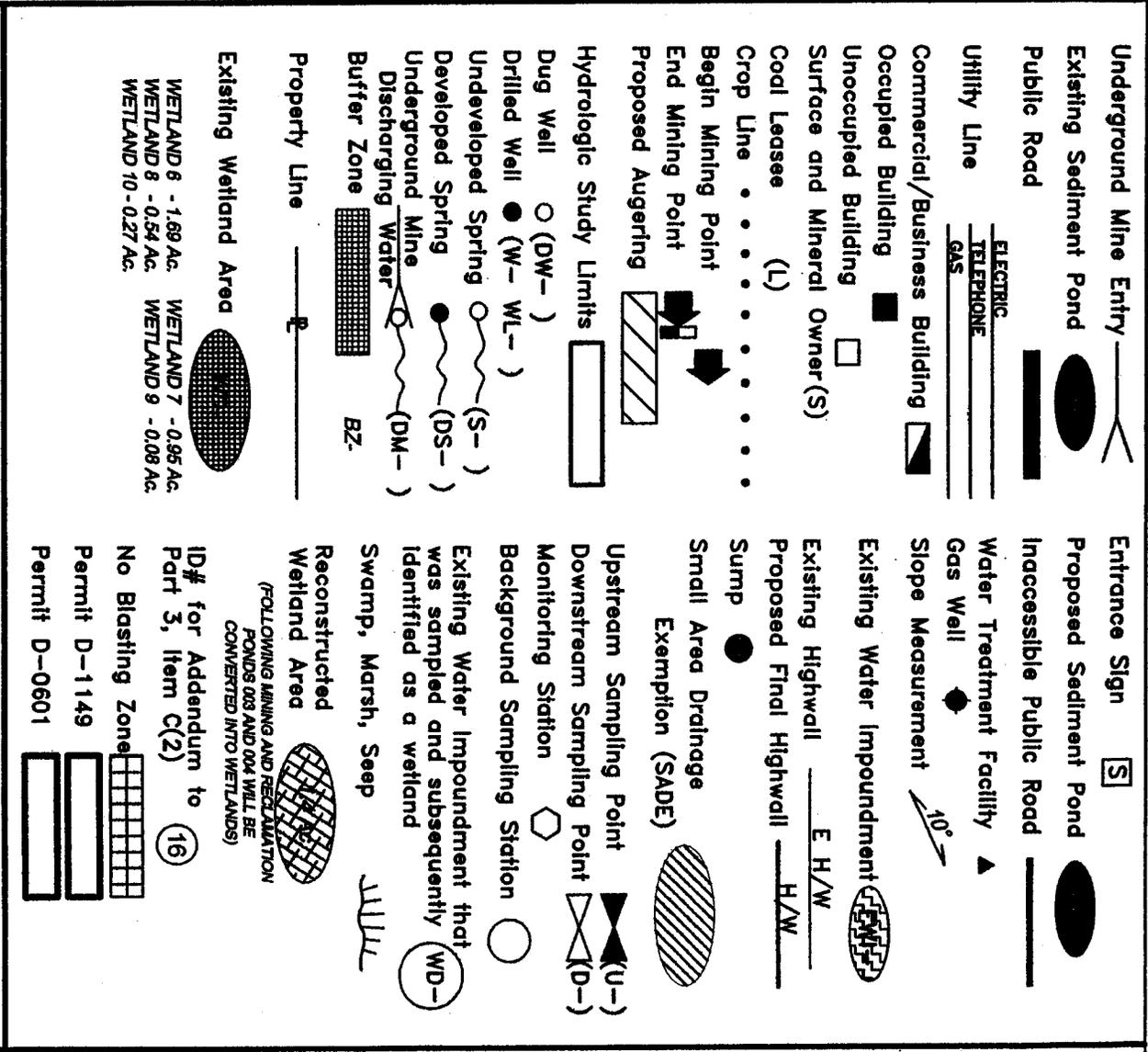
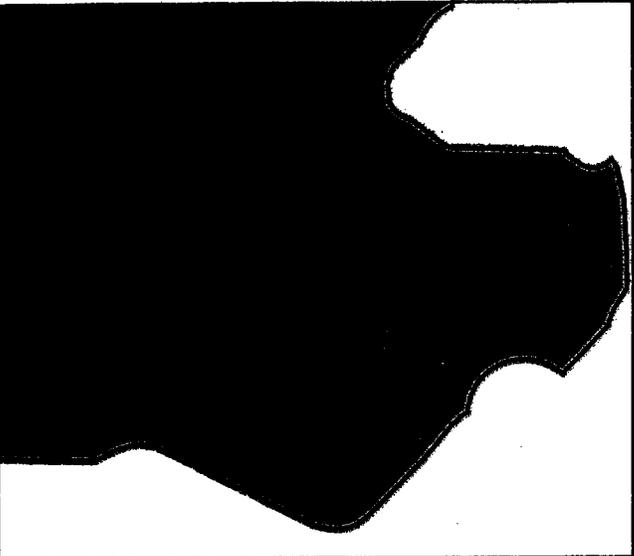
SHEET TITLE:
APPLICATION MAP
 PROJECT NAME:
KEFFER
 COMPANY NAME:
OXFORD MINING COMPANY, INC

Figure 9 (23)

DATE: 9/2/05
 DRAWN BY: CJW
 SCALE: 1" = 400'



Total	436.9
Application Acreage Summary	
Proposed for: Year 1	20.0
Year 2	104.2
Year 3	104.2
Year 4	104.2
Year 5	104.3
Total Permit	436.9
#7 Strip Coal	4.6
#6 Strip Coal	83.4
#5 Strip Coal	124.3
#7 Auger Coal	5.8
#6 Auger Coal	75.9
#5 Auger Coal	117.5
Ponds	5.2



A	B	C	D
E	F	G	H
I	J	K	L
M	N	O	P

SHEET TITLE: **APPLICATION MAP**

PROJECT NAME: **KEFFER**

COMPANY NAME: **OXFORD MINING COMPANY, INC**

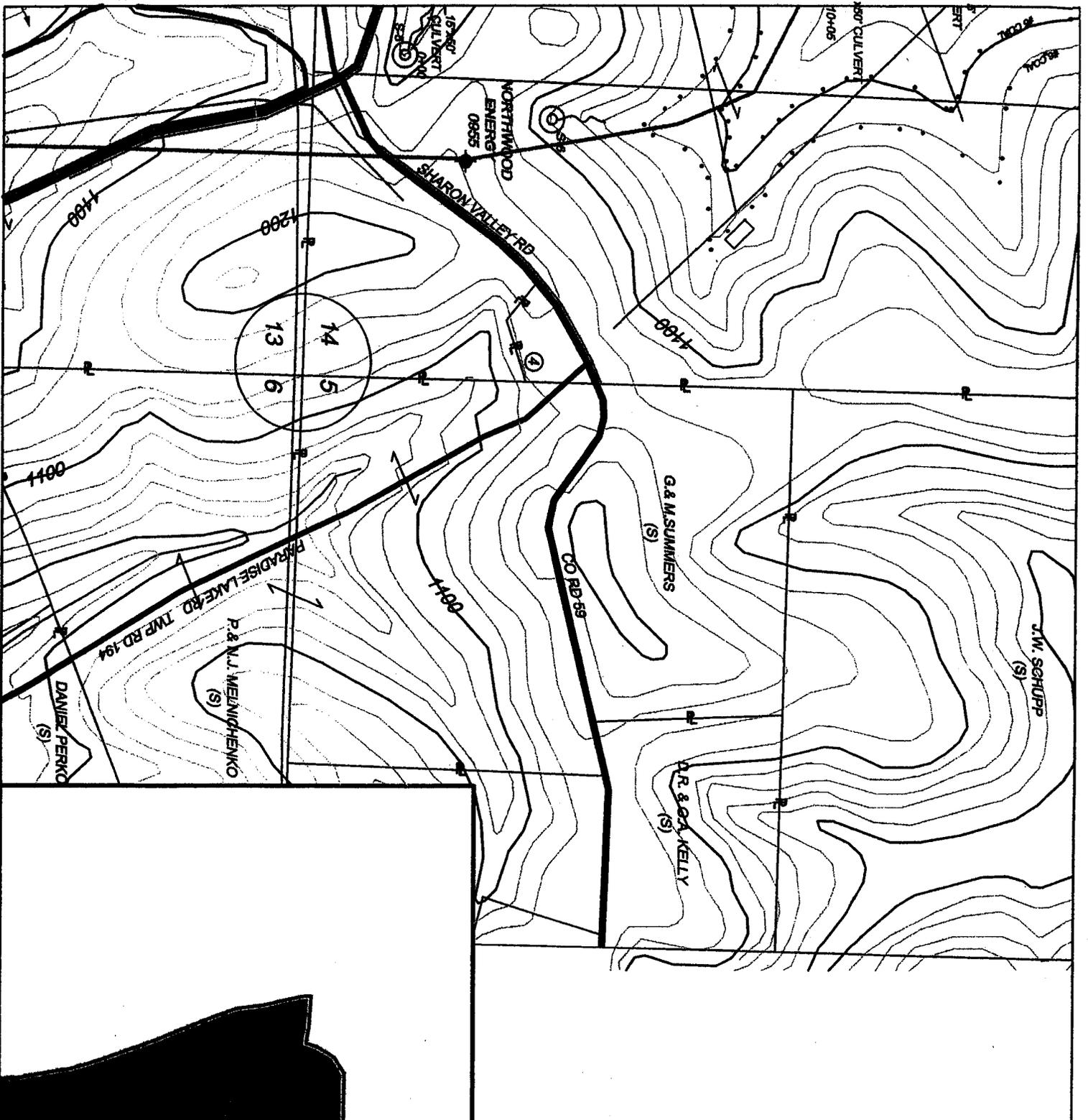
DATE: 9/2/05

DRAWN BY: CJW

SCALE: 1" = 400'

Figure 10 (23)





Application	
Proposed	
Total P	
#7 Stri	
#6 Stri	
#5 Stri	
#7 Aug	
#6 Aug	
#5 Aug	
Ponds	

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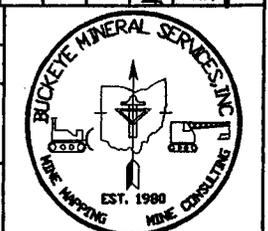
SHEET TITLE:
APPLICATION MAP

PROJECT NAME:
KEFFER

COMPANY NAME:
OXFORD MINING COMPANY, INC

Figure 12 (23)

DATE: 9/2/05
DRAWN BY: CJW
SCALE: 1" = 400'



PRE MINING LAND USE

- UNDEVELOPED - 385.6 ACRES
- PASTURELAND - 7.7 ACRES
- CROPLAND - 41.2 ACRES
- RESIDENTIAL - 0.6 ACRES
- PUBLIC ROAD - 1.8 ACRES

I, the undersigned do hereby certify that this map is correct and shows to the best of my knowledge and belief, all of the information required by Chapter 1513 of the Revised Code and Rules adopted thereunder.

Acknowledged before me a Notary Public, this _____ day of _____ 20__

SHERI LONGFELLOW
 Notary Public, State of Ohio
 My Commission Expires: October 7, 2007



1 - ALL OF THE EXISTING ACCESS ROADS, WITHIN THE PERMIT LIMITS, WILL REMAIN FOLLOWING MINING AND RECLAMATION AS ACCESS ROADS.

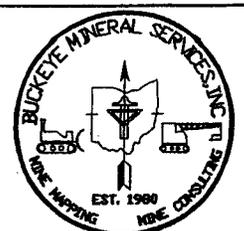
A	B	C	D
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SHEET TITLE:
APPLICATION MAP

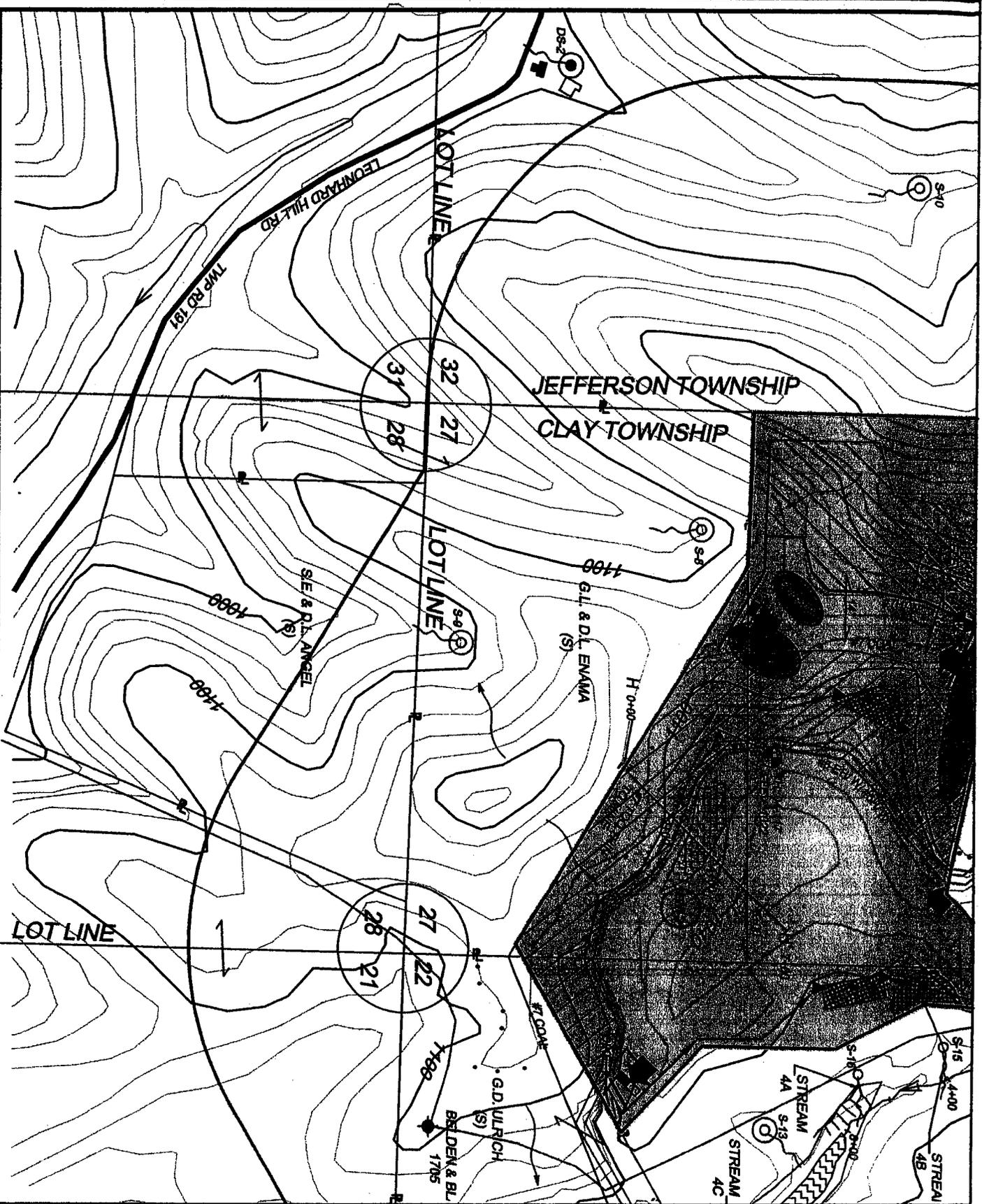
PROJECT NAME:
KEFFER

COMPANY NAME:
OXFORD MINING COMPANY, INC

DATE: 9/2/05
 DRAWN BY: CJW
 SCALE: 1" = 400'



© 2005 OXFORD MINING COMPANY. APPLICATION MAP REVISED 6-3-05 DWG - JUN 10 2005 - 1424828



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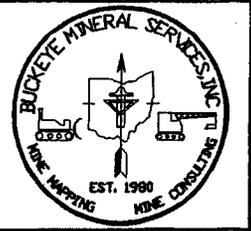
SHEET TITLE:
APPLICATION MAP

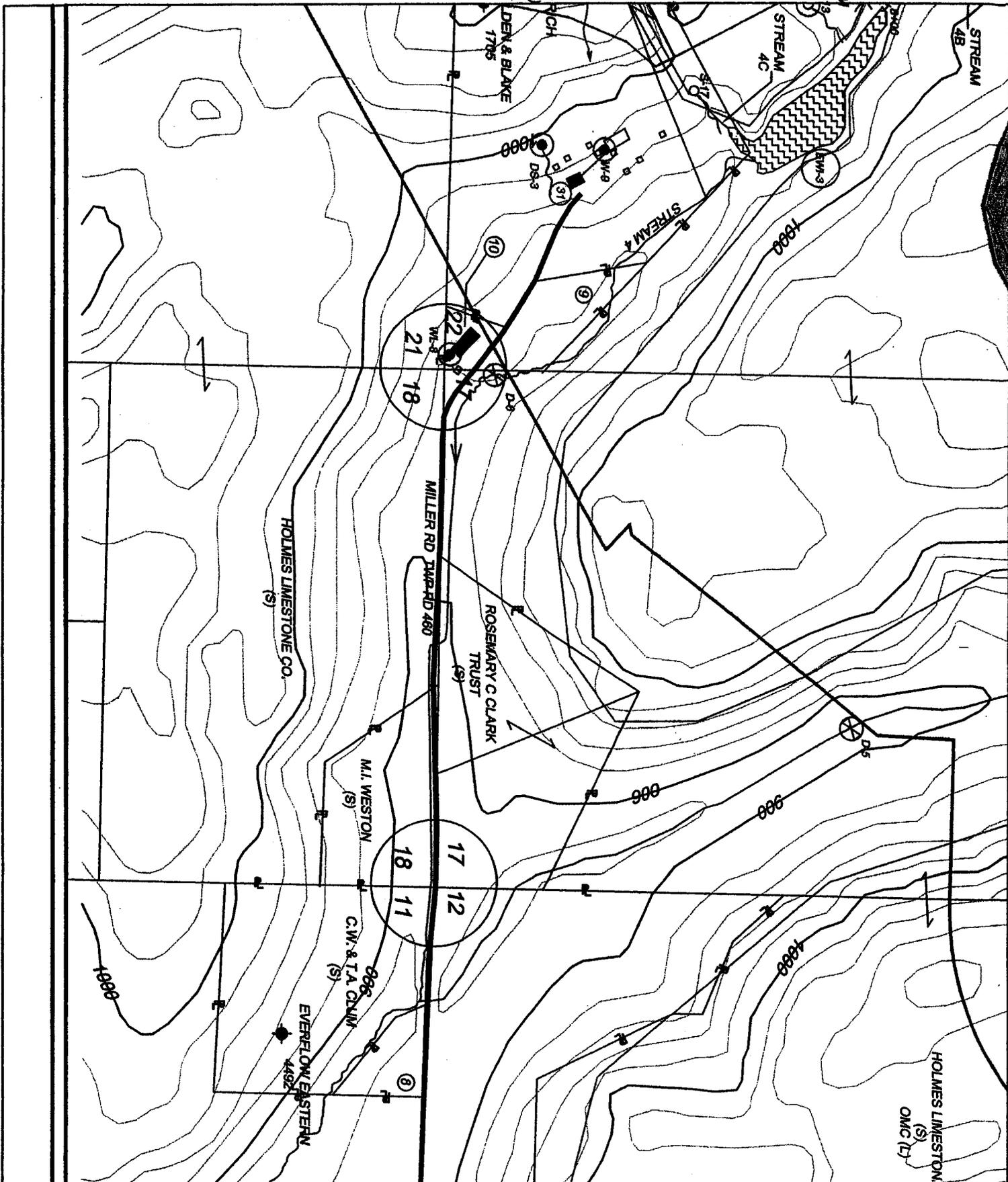
PROJECT NAME:
KEFFER

COMPANY NAME:
OXFORD MINING COMPANY, INC

Figure 15 (23)

DATE: 9/2/05
 DRAWN BY: CJW
 SCALE: 1" = 400'





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SHEET TITLE:
APPLICATION MAP

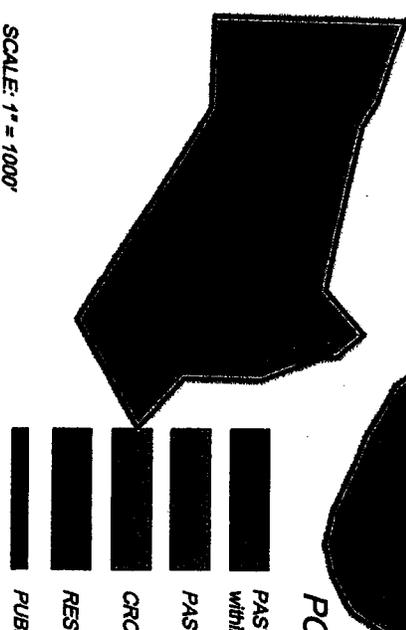
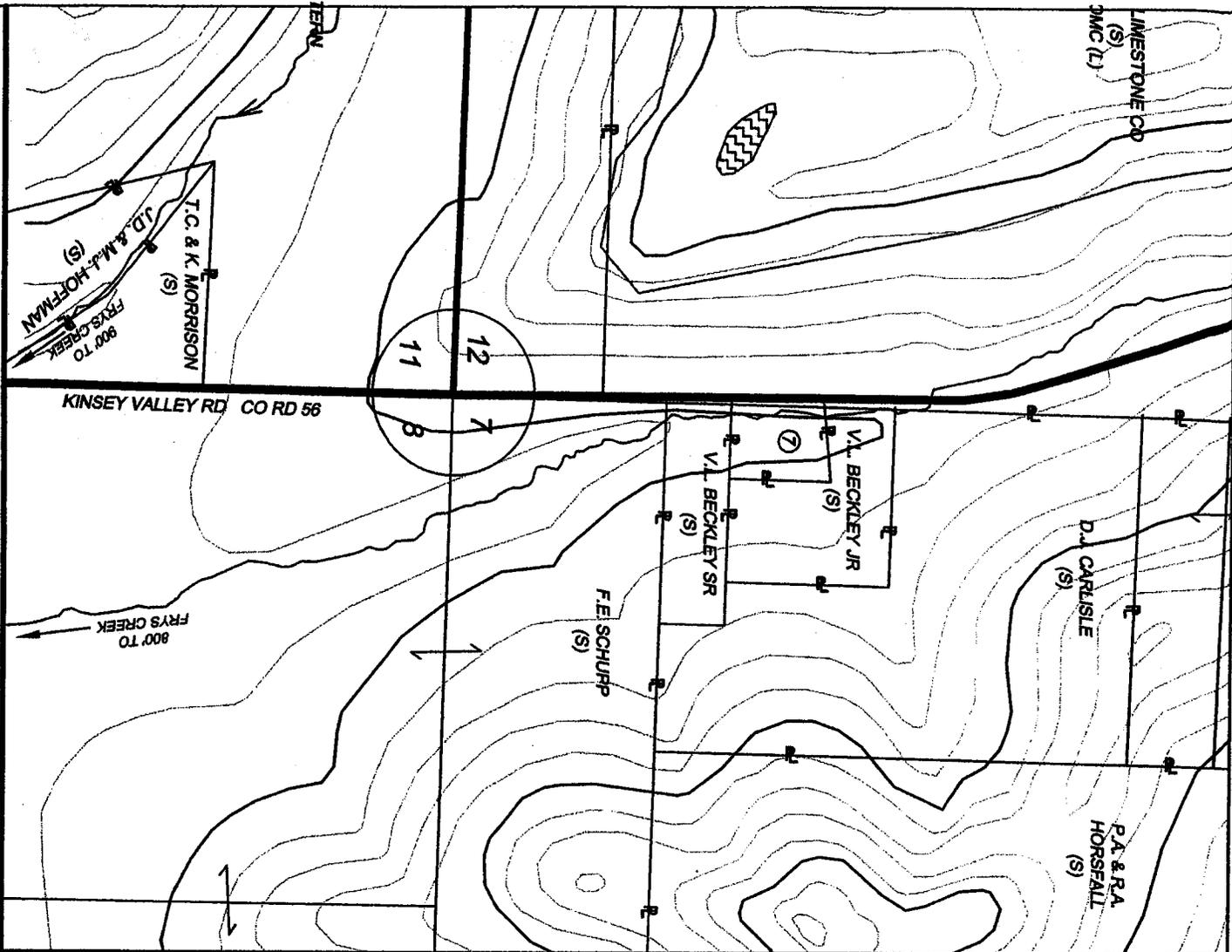
PROJECT NAME:
KEFFER

COMPANY NAME:
OXFORD MINING COMPANY, INC

Figure 16 (23)

DATE: 9/2/05
 DRAWN BY: CJW
 SCALE: 1" = 400'





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SHEET TITLE:
APPLICATION MAP
 PROJECT NAME:
KEFFER
 COMPANY NAME:
OXFORD MINING COMPANY, INC

DATE: 9/2/05
 DRAWN BY: CJW
 SCALE: 1" = 400'



- NOTES**
- 1 - ALL OF THE EXISTING ACCESS ROADS, WITHIN THE PERMIT LIMITS, WILL REMAIN FOLLOWING MINING AND RECLAMATION AS ACCESS ROADS.
 - 2 - THERE WILL BE NO BLASTING WITHIN 300' OF THE FOLLOWING DWELLINGS: CHARLES/JANET DAVIS TRUST / GEORGE & MARILYN KEFFER TRUST, J. BEABER, AND D.D. & K. MARTIN
 - 3 - HLC = HOLMES LIMESTONE COMPANY
OMC = OXFORD MINING COMPANY, INC.
 - 4 - PERMIT LIMITS 20' FROM TRAVELED PORTION OF KINSEY VALLEY RD. (CO. RD. 58)

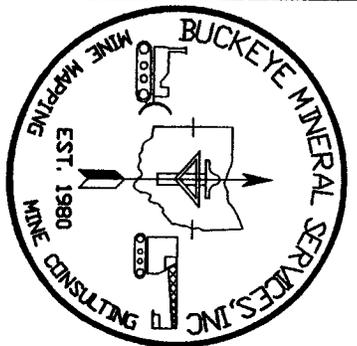


- LANDOWNERS**
- 1 - J. BEABER (S)
 - 2 - D.D. & K. MARTIN (S)
 - 3 - BERLIN MINERAL CO. (S) OMC(L)
 - 4 - D.A. & D.S. WARNER (S)
 - 5 - L. HOOPINGARNER (S)
 - 6 - M. SIMMERS (S)
 - 7 - T.L. BECKLEY (S)
 - 8 - J.A. & V.J. MULLEN (S)
 - 9 - J.W. & M.R. GARABRANDT (S)
 - 10 - T.E. & F.P. MOLES (S)
 - 11 - R.C. & C.B. LORENZ (S)

UNDERGROUND UTILITIES
 TWO WORKING DAYS
 BEFORE YOU DIG
 CALL 1-800-362-2764 (TOLL FREE)
 OHIO UTILITIES PROTECTION SERVICE
 NON-MEMBERS
 MUST BE CALLED DIRECTLY

POST MINING LAND USE

- PASTURELAND (with Tree Planting within the Riparian Zone) - 27.9 ACRES
- PASTURELAND - 364.4 ACRES
- CROPLAND - 42.2 ACRES
- RESIDENTIAL - 0.6 ACRES
- PUBLIC ROAD - 1.8 ACRES



APPLICATION/HYDROLOGY MAP PERMIT No.
 PREPARED BY
 BUCKEYE MINERAL SERVICES, INC.
 BOX 546 NEW PHILADELPHIA, OHIO

OXFORD MINING COMPANY, INC.
 for

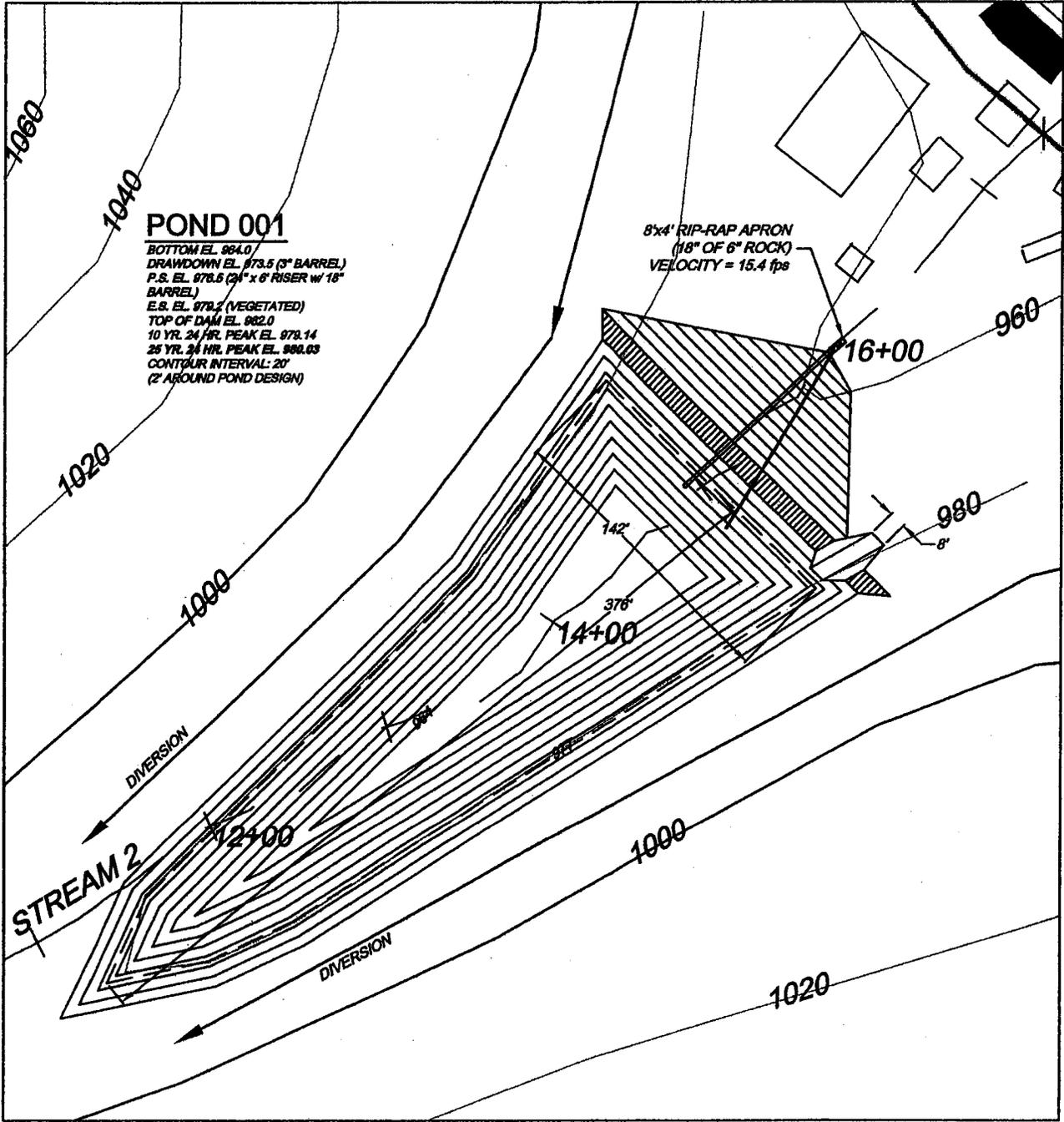
SECTION: 14 (T-7N)(R-2W) TWP: YORK
LOTS: 14, 15, 16, 17, 22, 23, 24, 25, 27 (T-7N)(R-2W) TWP: CLAY
COUNTY: TUSCARAWAS **STATE: OHIO**

JOB NAME	APPLICATION No.	SCALE	CONTOUR INTERVAL	DATE PREPARED	DATE REVISED
KEFFER	10289	1"=400'	20'	6/28/04	9/10/05

SHEET TITLE: APPLICATION MAP		DATE: 9/2/05
PROJECT NAME: KEFFER		DRAWN BY: CJW
COMPANY NAME: OXFORD MINING COMPANY, INC		SCALE: 1" = 400'
Figure 18 (23)		

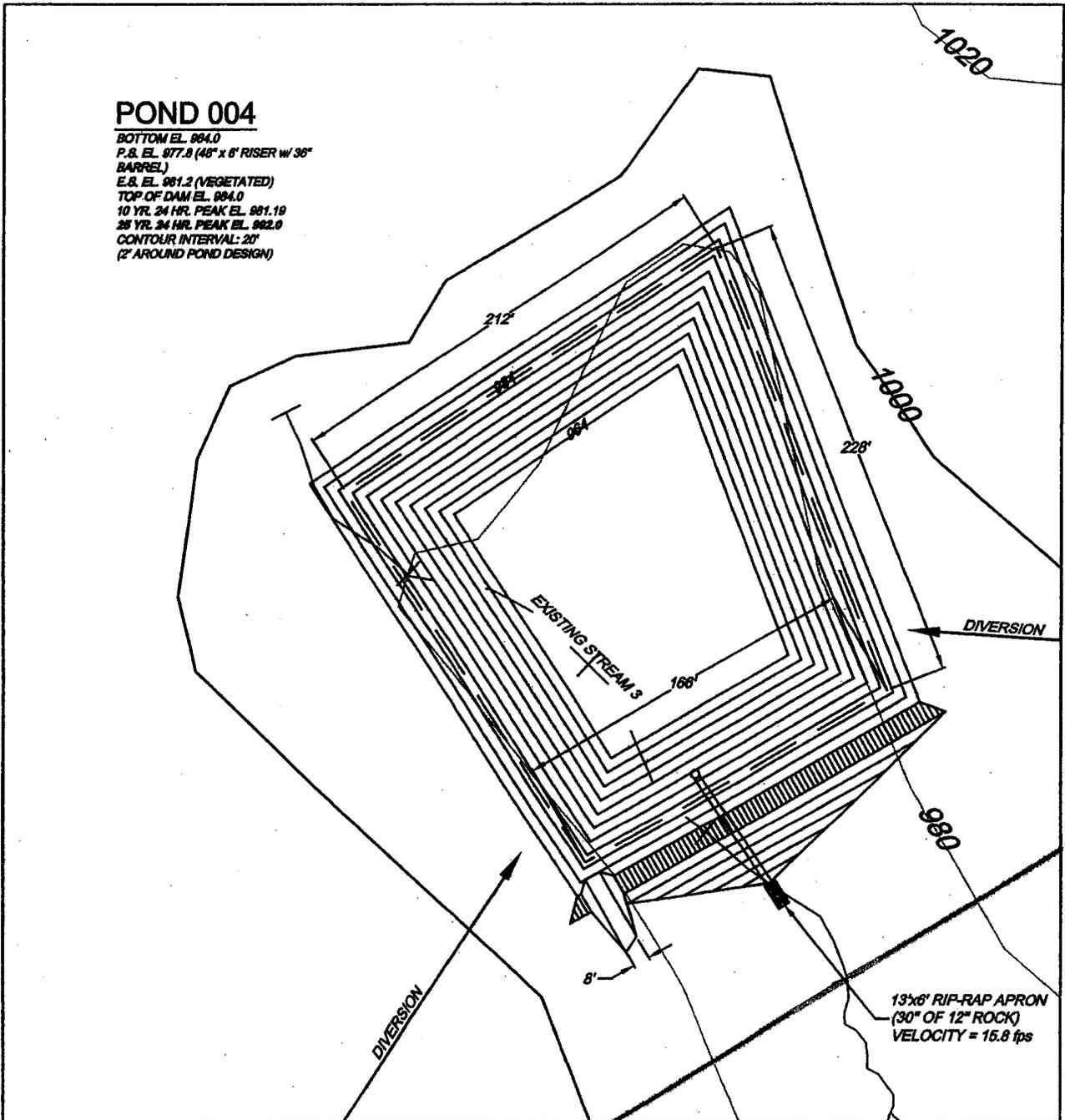


A B C D
 E F G H
 I J K L
 M N O P



1" = 75'

Figure 19 (23)



1" = 75'

Figure 20 (23)

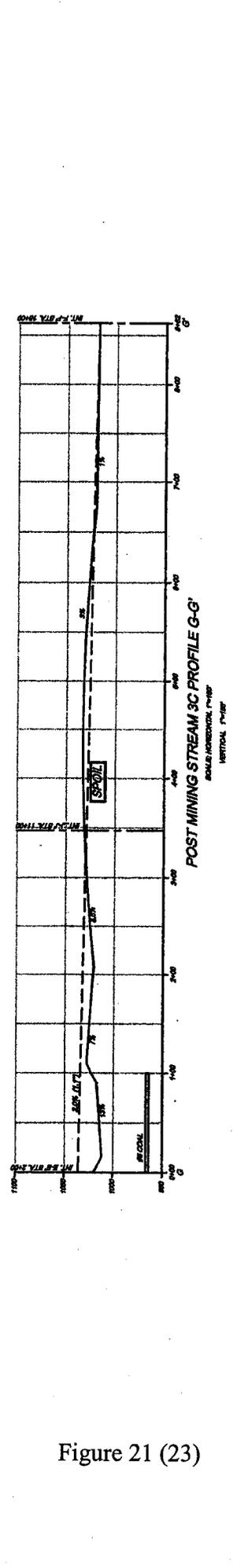
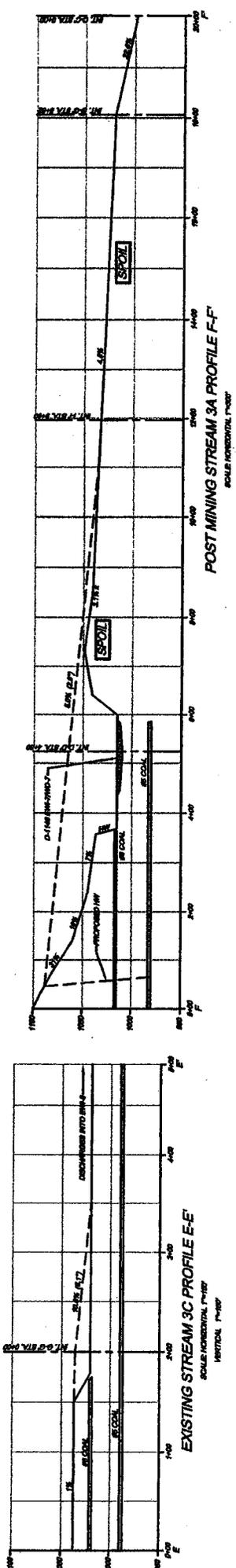
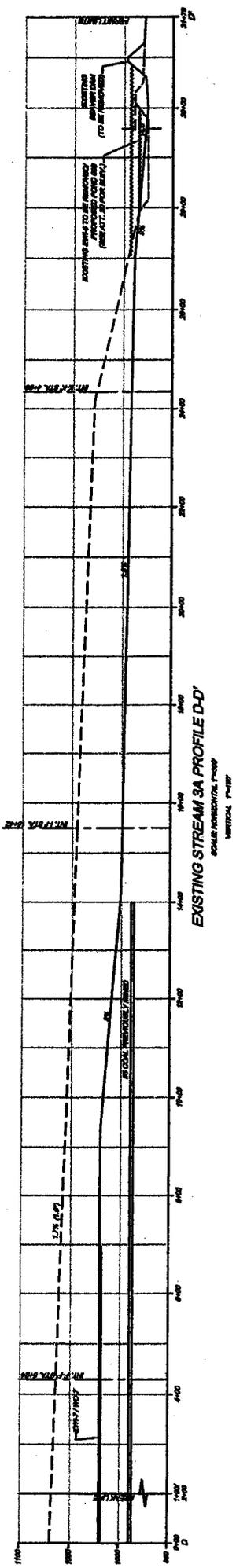
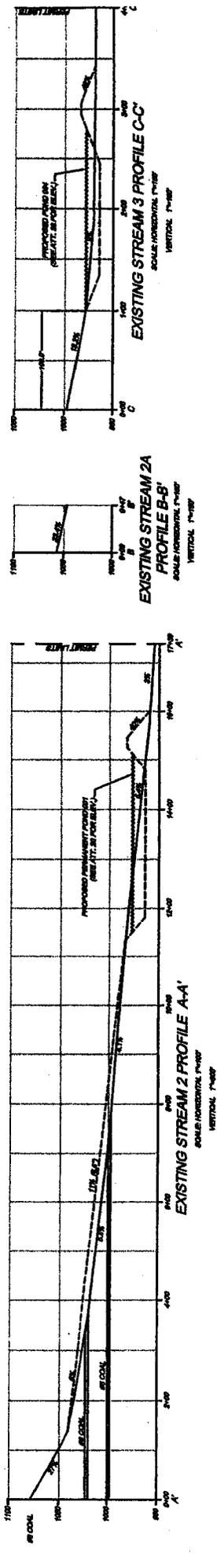


Figure 21 (23)

Addendum to Part 3, Item D(14) - Wetland Mitigation Plan

WETLAND MITIGATION PLAN

APPROXIMATELY 0.86 ACRES OF WETLAND HABITAT (WETLAND#7) WILL BE IMPACTED BY MINING AND ARE PROPOSED TO BE REPLACED AT A MITIGATION RATIO OF 1.6:1 FOR A TOTAL OF 1.4 ACRES OF WETLANDS. THE INCLUDED DRAWING DEPICTS THE PROPOSED MODIFICATIONS TO TRANSFORM PONDS 003 & 004 INTO WETLAND AREAS.

THE WETLAND MITIGATION PLAN INVOLVES USING THE PROPOSED TO BE CONSTRUCTED EMBANKMENT PONDS 003 & 004, FOLLOWING MINING AND RECLAMATION, THESE PONDS WILL BE MODIFIED AS THE TYPICAL DRAWING INDICATES.

MODIFICATIONS WILL INCLUDE THE FOLLOWING:

*THE BOTTOM ELEVATION WILL BE MADE TO A DIFFERENCE OF NO GREATER THAN SIX (6) FEET AND NO LESS THAN FIVE (5) FEET FROM THE PROPOSED PRINCIPLE/EMERGENCY SPILLWAY.

*PONDS 003 & 004 WILL REMAIN FOR A MINIMUM OF TWO YEARS AFTER MINING AND RECLAMATION ACTIVITIES HAVE BEEN COMPLETED TO ENSURE PRIMARY VEGETATIVE COVER HAS BEEN ESTABLISHED. WETLAND CONSTRUCTION WILL BE COORDINATED WITH THE MODIFICATIONS OF PONDS 003 & 004. THE PRINCIPLE SPILLWAY WILL BE REMOVED AND A ROCK LINED WEIR WILL BE CONSTRUCTED. THE OPEN SPILLWAY WILL BE LOWERED NO MORE THAN 1' ABOVE THE FINAL STREAM/WETLAND ELEVATION.

*THE ACCUMULATED SEDIMENT IN THE PONDS WILL SERVE AS THE HYDRIC SOIL MEDIUM DURING WETLANDS CONSTRUCTION AND MONITORING.

*25' RIPARIAN TREE ZONE; THIS AREA WILL HAVE TREES AND SHRUBS PLANTED AS TO CONTROL SEDIMENT RUNOFF, ADD NATURAL SHADING AND WIND PROTECTION FOR INTERIOR STRUCTURES.

*ROCK CHANNEL STREAM CHANNEL DESIGN THAT FLOWS THROUGH THE POND. THIS WILL MINIMIZE THE DEGRADATION OF THE HYDRIC SOILS DURING INCREASED RAINFALL AND PROVIDE SOIL STABILITY AS WATER FLOWS THROUGH THE WETLAND AREA.

THIS PROPOSAL WILL PROVIDE MANY DIVERSE QUALITY WETLAND HABITATS THAT ENHANCE THE RECONSTRUCTED WETLAND AREAS FOR WATERFOWL AND AQUATIC LIFE.

REVEGETATION PLAN

THE PLANTING PLAN AS ADDRESSED IN ADDENDUM TO PART 3, ITEM D(6)(b) WILL BE USED FOR THE REPLANTING OF THE BUFFER ZONES AND AROUND THE CONSTRUCTED WETLAND AREAS. THE MONITORING PERIOD SHOULD ALLOW FOR THE ESTABLISHMENT OF NATURAL WETLAND VEGETATION.

SUCCESS OF REVEGETATION WILL ADHERE TO ODMR DIVISION OF MINERAL RESOURCES MANAGEMENT REQUIREMENTS; THE RECONSTRUCTED SCRUB-SHRUB WETLANDS WILL BE MONITORED ANNUALLY FOR VEGETATIVE SUCCESS. ANY AREAS DEEMED UNSATISFACTORY DURING ANNUAL MONITORING WILL BE REVEGETATED PER THE PLANTING PLAN. PERFORMANCE STANDARDS FOR THE MITIGATION AREAS ARE ATTAINING ODRAM SCORES EQUAL TO OR GREATER THAN THE PRE-MINING CONDITIONS. IF THE DESIRED PERFORMANCE IS NOT ACHIEVED BY THE END OF THE 5-YEAR ANNUAL MONITORING PERIOD, OXFORD MINING COMPANY, INC. WILL NEGOTIATE WITH THE CORPS APPROPRIATE ACTIONS TO ACHIEVE THE DESIRED PERFORMANCE.

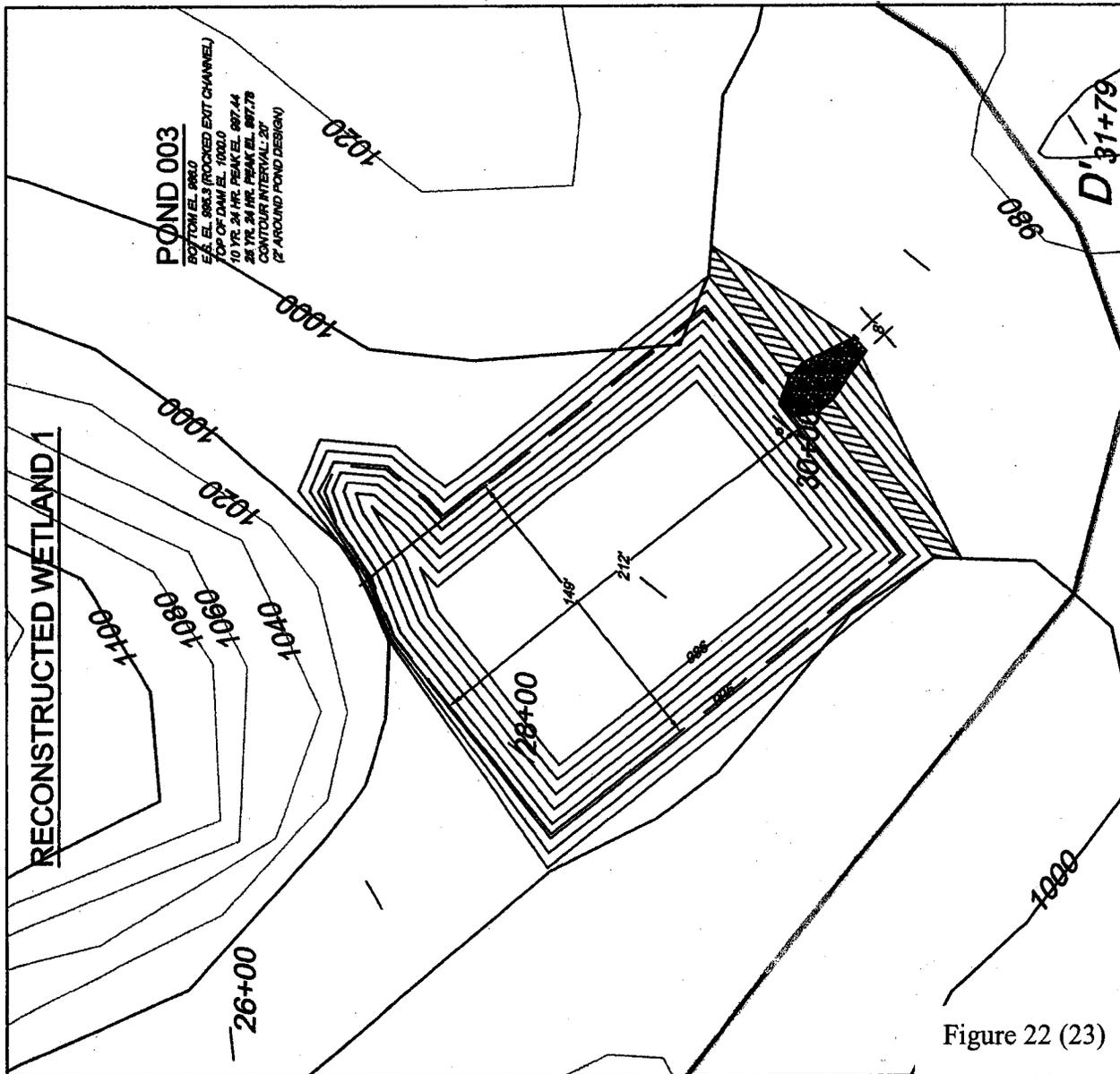
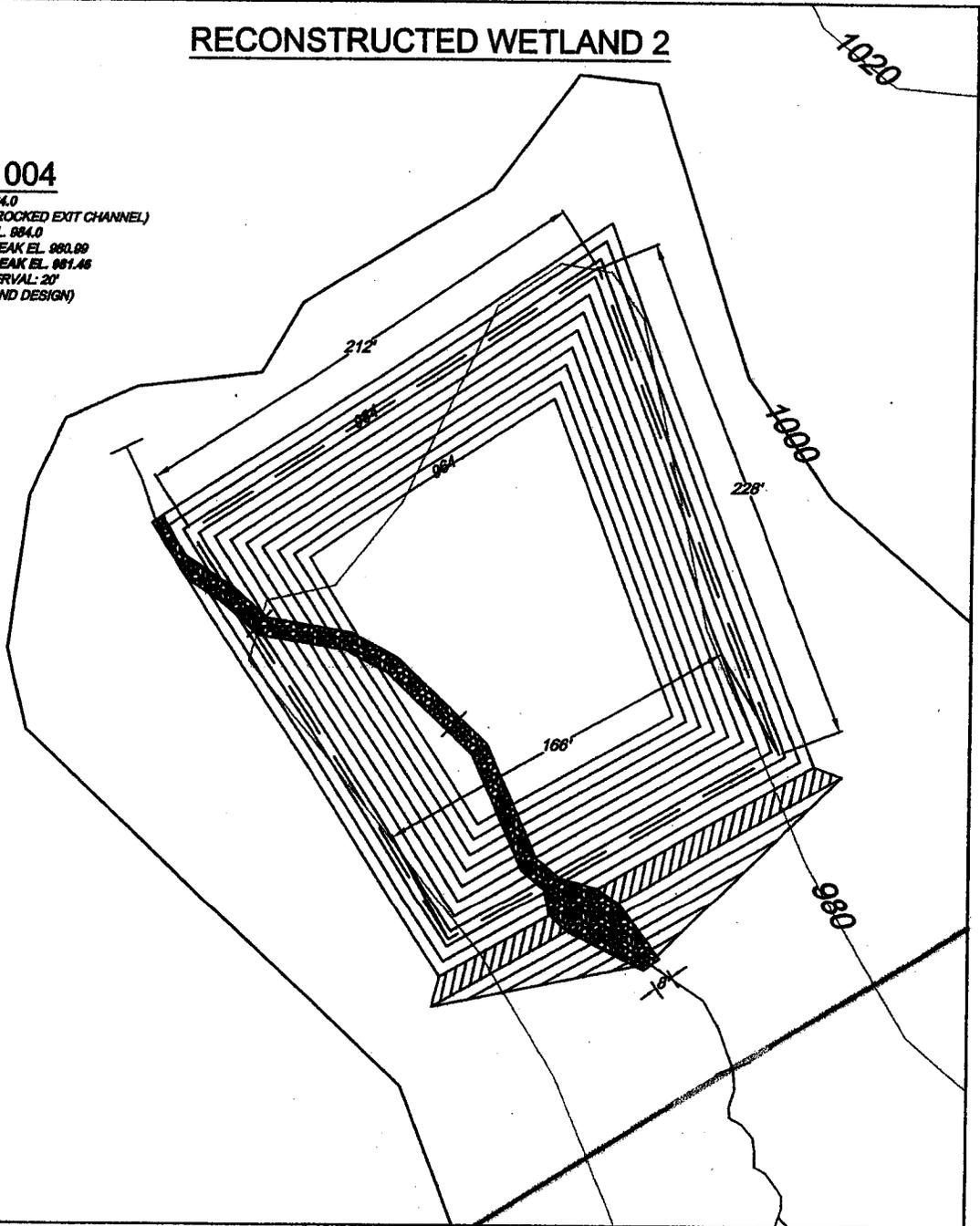


Figure 22 (23)

RECONSTRUCTED WETLAND 2

POND 004

BOTTOM EL. 984.0
E.S. EL. 977.8 (ROCKED EXIT CHANNEL)
TOP OF DAM EL. 984.0
10 YR. 24 HR. PEAK EL. 980.09
25 YR. 24 HR. PEAK EL. 981.46
CONTOUR INTERVAL: 2'
(2' AROUND POND DESIGN)



1" = 75'

Figure 23 (23)